

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KINSER CHIU and MACHINE PROJECT, INC.,

Plaintiffs,

08 Civ. 4603 (RJH)

- against -

**ORDER**

ANTHONY LUCAS and PAN AM SYSTEMS, INC.  
and PAN AMERICA WORLD AIRWAYS, INC.,

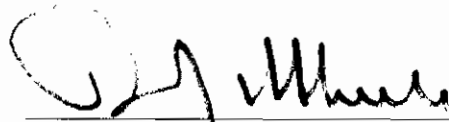
Defendants.

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Plaintiffs' motion to remand this action to state court [3] is granted. Plaintiff Chiu has clearly stated a non-fraudulent cause of action against defendant Lukas. As both parties are residents of New Jersey, the predicate for diversity jurisdiction is absent. Even if the claims asserted by plaintiff Machine Project, Inc. were not properly authorized by that company's directors, the lack of diversity between Chiu and Lukas requires remand of this action to state court. The Clerk of the Court is requested to close this case.

SO ORDERED.

Dated: New York, New York  
August 1, 2008



Richard J. Holwell  
United States District Judge

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DOC #:  
DATE FILED: 8/4/08